

AB:ALK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against -

DAQUAN MCGRIFF,

Defendant.

AFFIDAVIT AND
COMPLAINT IN SUPPORT
OF AN APPLICATION FOR
AN ARREST WARRANT

Case No. 20-MJ-599

(18 U.S.C. § 922(g)(1))

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EASTERN DISTRICT OF NEW YORK, SS:

MICHAEL McCARTHY, being duly sworn, deposes and states that he is a Detective with the New York City Police Department, duly appointed according to law and acting as such.

On or about July 26, 2020, within the Eastern District of New York, the defendant DAQUAN MCGRIFF, knowing that he had been previously convicted in a court of one or more crimes punishable by a term of imprisonment exceeding one year, did knowingly and intentionally possess in and affecting interstate or foreign commerce a firearm, to wit: a loaded nine millimeter Luger pistol bearing serial number P1519516.

(Title 18, United States Code, Section 922(g)(1))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Detective with the New York City Police Department ("NYPD") and have been involved in the investigation of numerous cases involving the recovery of firearms and ammunition. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record and body camera footage; and from reports of other law enforcement officers involved in the investigation. Where I describe the statements of others, I am doing so only in sum and substance and in part.

2. On or about July 26, 2020, NYPD Officer-1 and Officer-2² were on routine patrol in the East Flatbush neighborhood of Brooklyn, New York. The Officers were in uniform in a marked police vehicle.

3. At approximately 9:00 p.m., the Officers received a radio transmission about a man in the vicinity that reportedly possessed a firearm. The radio transmission indicated that a family member of the man had called 911 to report that he had just left the house with a firearm inside of a beige bag. The radio transmission indicated that the man's name was Daquan McGriff, that he was approximately thirty years old, and that he was

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set forth every fact learned during the course of this investigation.

² Because multiple law enforcement personnel were involved in the incident, I refer to the officers as Officer-1 and Officer-2 for ease of reference. The identities of each of these individuals are known to the affiant, and I have interviewed Officer-1 and Officer-2 about the events set forth herein.

wearing a white t-shirt and black basketball shorts. The radio transmission also indicated that the man was with a woman.

4. Shortly thereafter, near Church Avenue and New York Avenue (approximately two blocks from the location reported by the family member), the Officers observed a man later determined to be the defendant, DAQUAN MCGRIFF, that appeared to match the description provided in the radio transmission. The Officers made a U-turn, pulled over, exited the vehicle, and walked towards MCGRIFF.

5. As the Officers walked towards MCGRIFF, MCGRIFF began backing away from the Officers and then fled on foot. MCGRIFF dropped a beige Jansport bag on the ground as he fled.

6. The Officers pursued MCGRIFF on foot. Officer-1 picked up the beige Jansport bag as he continued to pursued MCGRIFF, and felt something heavy in the shape of a firearm inside the bag.

7. The Officers located and apprehended MCGRIFF behind a large white van. MCGRIFF had stopped running and appeared to be hiding behind the van.

8. A loaded nine millimeter Luger pistol bearing the serial number P1519516 was recovered from the beige Jansport bag that MCGRIFF had dropped on the sidewalk.

9. I have conferred with a Nexus expert, a Special Agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), who has informed me, in substance and in part, that the recovered firearm was manufactured outside the state of New York.

10. I have reviewed MCGRIFF’s criminal history, which revealed that on or about October 24, 2019, MCGRIFF was convicted, after a guilty plea, of criminal sale of a

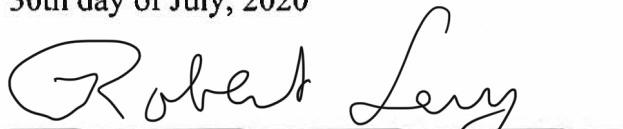
controlled substance on school grounds, a Class B Felony. On October 22, 2013, MCGRIFF was convicted of attempting to knowingly make and/or possess dangerous contraband in prison in the first degree, a Class E Felony. On January 10, 2012, MCGRIFF was convicted of attempted criminal possession of a weapon in the third degree, a Class E Felony. On November 24, 2008, MCGRIFF was convicted of robbery in the third degree, a Class D felony.

WHEREFORE, your deponent respectfully requests an arrest warrant for the defendant DAQUAN MCGRIFF so that he may be dealt with according to law.



MICHAEL MCCARTHY
Detective
New York City Police Department

Sworn to before me by telephone this
30th day of July, 2020



THE HONORABLE ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
for the
Eastern District of New York

United States of America

v.
DAQUAN MCGRIFF) Case No. 20 MJ 599
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Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) DAQUAN MCGRIFF,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

18 USC 922(g) - Felon in possession of a firearm

Date: 07/30/2020



Issuing officer's signature

City and state: Brooklyn, New York

Honorable Robery M. Levy

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____